

# **EXHIBIT J**

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

WAYNE VAN SCOY,

Plaintiff and  
Counterclaim-Defendant,

v.

VAN SCOY DIAMOND MINE OF  
DELAWARE, INC., a Delaware Corporation  
KURT VAN SCOY, and DONNA VAN SCOY,

Defendants and  
Counterclaim-Plaintiff.

Case No. 05-108 (KAJ)

**DEFENDANTS' AMENDED AND SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure Defendants Van Scoy  
Diamond Mine of Delaware, Inc., Kurt Van Scoy, and Donna Van Scoy hereby supplement their  
7 June 2005 responses to plaintiff's first set of interrogatories.

**GENERAL OBJECTIONS**

1. Plaintiff's first set of interrogatories is defective and, hence, invalid, as it fails to comply with Fed. R. Civ. P. 33.
2. Defendants object to each and every interrogatory in its entirety to the extent it seeks information that is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.
3. Defendants object to each and every interrogatory to the extent it calls for information that could have been obtained more efficiently by other means of discovery.

4. Defendants object to each and every interrogatory to the extent it can be answered by the production of business records.

5. Defendants object to each and every interrogatory to the extent it seeks disclosure of documents or information containing privileged communications, attorney work-product, client work-product, or trial preparation material, on the grounds that such discovery is not permissible under the Federal Rules of Civil Procedure. None of Defendants' specific responses shall be construed to mean that Defendants intend to provide privileged or work-product documents or information in the absence of an intentional waiver. Any inadvertent disclosure of privileged documents or information or work-product shall not constitute a waiver of an otherwise valid claim of privilege, and any failure to assert a privilege or other protection as to certain documents or information shall not be deemed to constitute a waiver of the privilege or other protection as to any other documents or information so protected.

6. Defendants object to each and every interrogatory to the extent that it is vague, ambiguous, overbroad, vexatious, unduly burdensome or seeks information not relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

7. Defendants object to each and every interrogatory to the extent that it seeks information or documents that are confidential and/or proprietary business and financial information.

8. Defendants object to each and every interrogatory to the extent that it seeks documents or information protected by any confidentiality obligation owed to a third party.

9. Defendants note that inasmuch as Defendants' discovery and investigation is continuing, Defendants' responses to contention interrogatories are limited by the information

available to date and are provided without prejudice to Defendants' right to amend or supplement the responses to those interrogatories.

10. Defendants objects to Plaintiff's definitions and instructions as improperly attempting to impose burdens and obligations upon Defendants beyond the requirements of the Federal Rules of Civil Procedure.

11. Defendants assert each of the general objections set forth above to each of the interrogatories. By setting forth specific objections, Defendants do not intend to limit or restrict the general objections contained in this response. To the extent Defendants provide information in response to a specific request to which objection has been raised, Defendants reserve the right to maintain such objections with respect to any additional information and such objections are not waived by the furnishing of documents or information.

12. Defendants expressly reserve the right to supplement and/or amend these responses should additional documents or information become available.

### **SPECIFIC ANSWERS AND/OR OBJECTIONS**

Subject to each of the foregoing objections, each of which is interposed as to each of the following interrogatories as if each such objection was set forth at length therein, Defendants respond to Plaintiff's first set of interrogatories as follows:

1. State the name of each individual who answered or provided information used to answer each of these Interrogatories on behalf of Defendants, the specific Interrogatory to which each of the identified individuals provided assistance in answering, and the job title or corporate capacity/affiliation of each identified individual.

this interrogatory once defendants' trial plans are more complete. See the responses to plaintiff's requests for production 11, 14, 15, 16, 35, 36 and 37.

iv) Kurt Van Scoy

\*\*\*\*\*

Defendants' Supplemental Response:

- i) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.
- ii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.
- iii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.
- iv) See above.

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12. With respect to Defendants' Twelve and Thirteenth Affirmative Defenses alleging that United States Trademark Registration No. 1,140,711 and United States Service Mark Registration No. 1,140,958 "on which plaintiff is the current record owner [are] invalid and unassertable against defendants by reason of the mark[s] which [are] the subject of the registration[s] having been abandoned by plaintiff and/or plaintiff's predecessor in title,"

- i) state all of Defendants' contentions in support thereof,
- ii) state all facts,
- iii) identify all documents and things in support thereof and
- iv) identify the persons most knowledgeable with respect to such facts, documents and things.

Defendants' response:

- i) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. Plaintiff's use of the mark at issue has been non-continuous, intermittent at best and with periods of non-use sufficient to result in abandonment of the mark as a matter of law.
- ii) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. Plaintiff's use of the mark at issue has been non-continuous, intermittent at best and with periods of non-use resulting in abandonment of the mark.
- iii) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. Subject to the foregoing objection, none at this time.

iv) Kurt Van Scoy

\*\*\*\*\*

**Defendants' Supplemental Response:**

- i) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.
- ii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.
- iii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.

iv) See above.

\*\*\*\*\*

13. With respect to the Affirmative Defenses of Defendant Kurt Van Scoy and Defendant Donna Van Scoy stating that "to the extent any actions by defendants Kurt and/or Donna Van Scoy are actionable, responsibility for any liability growing out thereof is that of defendant Van Scoy Diamond Mine, Inc., and not that of Kurt Van Scoy and/or Donna Van Scoy,"

- i) state all contentions and bases for alleging that Kurt Van Scoy and/or Donna Van Scoy are not personally liable for any alleged acts of Van Scoy Diamond Mine of Delaware, Inc., and
- ii) state all facts,
- iii) identify all documents and things in support thereof and
- iv) identify the persons most knowledgeable with respect to such facts, documents and things.

Defendants' response:

- i) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. At all times actions by Defendant Kurt Van Scoy and Defendant Donna Van Scoy have been as employees of Van Scoy Diamond Mine of Delaware, Inc. and not acting on their own.
- ii) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. At all times actions by Defendant Kurt Van Scoy and Defendant Donna Van Scoy have been as

employees of Van Scoy Diamond Mine of Delaware, Inc. and not acting on their own.

iii) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete.

iv) Kurt Van Scoy

\*\*\*\*\*

Defendants' Supplemental Response:

i) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.

ii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.

iii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.

iv) See above.

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14. With respect to Defendant Van Scoy Diamond Mine of Delaware, Inc.'s First and Second Counterclaims alleging that United States Trademark Registration No. 1,140,711 and United States Service Mark Registration No. 1,140,958 marks are invalid,

i) state all of Defendant's contentions for why the marks are allegedly invalid,

ii) state all facts,

iii) identify all documents and things in support thereof and

iv) identify the persons most knowledgeable with respect to such facts, documents and things.



Defendants' response:

- i) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. Subject to the foregoing objection, use of the mark at issue by third parties without licensure or control by plaintiff has resulted in the mark at issue becoming generic, being misdescriptive, and losing any significance it might ever have had as a source indicator and hence cannot function as a trademark.
- ii) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. Subject to the foregoing objection, use of the mark at issue by third parties without licensure or control by plaintiff has resulted in the mark at issue becoming generic, being misdescriptive, and losing any significance it might ever have had as a source indicator and hence cannot function as a trademark.
- iii) Defendants object to this interrogatory as being a contention interrogatory when defendants' trial plans are incomplete. Defendants will supplement and respond to this interrogatory once defendants' trial plans are more complete. Defendants object to this contention interrogatory as being premature on the grounds that Defendants' trial plans are incomplete. Subject to the foregoing objection, use of the mark at issue by third parties without licensure or control by plaintiff has resulted in the mark at issue becoming generic, being misdescriptive, and losing any significance it might ever have had as a source indicator and hence cannot function as a trademark. See

documents D000038; D000039 and D000044 through D000057 produced concurrently herewith.

iv) Kurt Van Scoy

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Defendants' Supplemental Response:

i) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.

ii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.

iii) Defendants withdraw the objection to this contention interrogatory as being premature, as stated above.

iv) See above.

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15. With respect to Defendant Van Scoy Diamond Mine of Delaware, Inc.'s First and Second Counterclaims denying that that United States Trademark Registration No. 1,140,711 and United States Service Mark Registration No. 1,140,958 have been infringed by Defendants including Van Scoy Diamond Mine of Delaware, Inc., (i) state all of Defendant's contentions for such denials, (ii) state all facts, (iii) identify all documents and things in support thereof and (iv) identify the persons most knowledgeable with respect to such facts, documents and things.

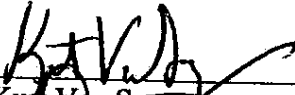
Defendants' response:

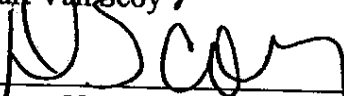
i) Defendants object to this interrogatory as exceeding the maximum permissible number of interrogatories, including subparts, under Local Rule 26.1(b).


ii) Defendants object to this interrogatory as exceeding the maximum permissible number of interrogatories, including subparts, under Local Rule 26.1(b).

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We, the undersigned, hereby declare under 18 United States Code 1001 and penalty of perjury that all answers given above are true and correct to the best of our knowledge, information and belief.

  
Kurt Van Scoy

  
Donna Van Scoy

  
Kurt Van Scoy, President  
Van Scoy Diamond Mine of Delaware, Inc.

As to objections:

  
Charles N. Quinn  
Fox Rothschild LLP

Attorneys for Defendants and  
Counterclaim Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the date written below adjacent to my signature I served the following document

**DEFENDANTS AMENDED AND SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

on Michael C. Petock, Esquire, as an attachment to e-mails addressed to:

MP@IPLaw-Petock.com and

mfpetock@comcast.net

and on John G. Day, Esquire, as an attachment to an e-mail addressed to:

jday@ashby-geddes.com

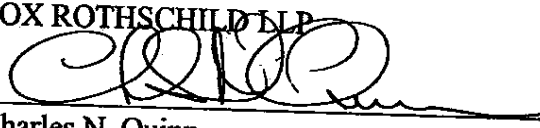
and by United States Postal Service first class mail, postage prepaid, to the following addresses:

**Michael C. Petock, Esquire  
Michael F. Petock, Esquire  
Petock & Petock LLC  
4 The Commons at Valley Forge  
1220 Valley Forge Road  
P.O. Box 856  
Valley Forge, PA 19482-0856**

and

**John G. Day, Esquire  
Ashby & Geddes  
222 Delaware Avenue, 17th Floor  
P.O. B1150  
Wilmington, DE 19899**

FOX ROTHSCHILD LLP

  
Charles N. Quinn

22 June 2005  
(date)

# **EXHIBIT K**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY,  
  
Plaintiff and  
Counterclaim-Defendant,

v.

VAN SCOY DIAMOND MINE OF  
DELAWARE, INC., a Delaware Corporation  
KURT VAN SCOY, and DONNA VAN SCOY,  
  
Defendants and  
Counterclaim-Plaintiff.

Case No. 05-108 (KAJ)

**INITIAL DISCLOSURES OF DEFENDANTS  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendants hereby make these Initial Disclosures based on information now reasonably available to it, and reserve the right to supplement these disclosures if needed:

**A. PERSONS WITH KNOWLEDGE**

At this time, Defendants believe the following individuals are likely to have discoverable information that they may use to support their claims and defenses. The following list is limited to those persons that we are specifically aware of at the present time. The undersigned counsel represents or expects to represent all of the witnesses listed for purposes of our defenses and claims. Plaintiff's counsel should direct any communication to the witnesses represented by counsel through the undersigned.

Kurt Van Scoy  
820 Old Harmony Road  
Newark, DE 19711  
(302) 454-7979 (Bus.)

(302) 383-9346 (Mobile)

Donna Van Scoy  
820 Old Harmony Road  
Newark, DE 19711  
(302) 454-0445

Thomas Van Scoy, Jr.  
Dallas, PA

Tony Van Scoy  
Kingston, PA

Ken Van Scoy  
Kingston, PA

Rick Sendrick  
Kingston, PA

Wayne Van Scoy  
Kingston, PA

Lou Hill  
Reading, PA

Mark Maurer  
Lancaster, PA

Bob Kooke  
Greensboro, NC

Defendants also believe their experts, to be disclosed in accordance with the Pretrial Order to be entered, are likely to have discoverable information that Defendants may use to support their claims or defenses. Defendants expect to discover additional witnesses whose specific identities are not yet known to support their claims.

Defendants believe there may be employees of Plaintiff and there may be third parties who have knowledge that support Defendants' defenses and claims. The specific nature of that knowledge and the identity of those individuals are not yet known to us.

**(B) DESCRIPTION OF DOCUMENTS**

At this time, Defendants believe that the following categories of documents and things in the possession of Defendants or their retained counsel may be used to support Defendants claims or defenses. In making these Initial Disclosures, Defendants do not waive applicable privileges or protections from disclosure, including the attorney-client privilege or attorney work product doctrine nor the right to designate confidential materials for appropriate protection under the local rules and any protective order to be entered.

Defendants identify the following seven categories of documents:

1. Utility-related documents
2. Rent and premises-related documents
3. Radio advertising materials
4. Television advertising materials
5. Corporate minute book
5. Sales Receipts
6. Invoices
7. Testimonial materials

All such documents are located at the Defendants' premises.

**(C) COMPUTATION OF DAMAGES**

The costs and attorney fees incurred in defending this action.

Defendants reserve the right to modify their damages theories and calculations or to seek damages under different theories as appropriate in view of information to be discovered in this case and in view of further anticipated expert opinions on the subject of damages.



**(D) INSURANCE AGREEMENTS**

Will be produced if applicable at the offices of Fox Rothschild LLP; 2000 Market Street, Philadelphia, Pa., 19103 at a time that is mutually convenient for plaintiff's and defendants' counsel.

**E. SUPPLEMENTAL DISCLOSURES**

Defendants expressly reserve the right to supplement these Initial Disclosures, including the identification of individuals, identification of additional documents and materials and Defendants' computation of any category of damages claimed, along with documents or other evidentiary material upon which such computation is based, if such information comes to its attention through further investigation, discovery or otherwise.

FOX ROTHSCHILD LLP

By: /s/ Francis G.X. Pileggi  
Francis G.X. Pileggi (Del. Atty No. 2624),  
Citizens Bank Center  
Suite 1300  
919 North Market Street  
Wilmington, DE 19801-2323  
(302) 654-7444

Attorneys for Defendants and  
Counterclaim Plaintiff

**OF COUNSEL:**

Charles N. Quinn  
Fox Rothschild LLP  
2000 Market Street  
Tenth Floor  
Philadelphia, PA 19103  
(215) 299-2135

Dated: May 2, 2005

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY, )  
)  
Plaintiff and )  
Counterclaim-Defendant. )  
)  
v. )  
)  
VAN SCOY DIAMOND MINE OF ) Case No. 05-108 (KAJ)  
DELAWARE, INC., a Delaware Corporation )  
KURT VAN SCOY, and DONNA VAN SCOY, )  
)  
Defendants and )  
Counterclaim-Plaintiff. )

**CERTIFICATE OF SERVICE FOR INITIAL DISCLOSURES  
OF DEFENDANTS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)**

I hereby certify that on May 2, 2005, I have e-mailed the foregoing document(s) to the following:

Steven J. Balick, Esquire  
John G. Day, Esquire  
Ashby & Geddes  
222 Delaware Avenue, 17<sup>th</sup> Floor  
P.O. Box 1150  
Wilmington, DE 19899

**John G. Day, Esq.**  
**Ashby & Geddes**  
**222 Delaware Avenue**  
**P.O. Box 1150**  
**Wilmington, DE 19899**

/s/ Francis G.X. Pileggi  
Francis G.X. Pileggi (I.D. No. 2624)  
Fox Rothschild LLP  
Suite 1300  
919 N. Market Street  
Wilmington, DE 19801  
Phone: (302) 654-7444  
E-mail: [fpileggi@foxrothschild.com](mailto:fpileggi@foxrothschild.com)

# EXHIBIT L

IN THE UNITED STATES DISTRICT COURT  
THE DISTRICT OF DELAWARE

WAYNE VAN SCOY

PLAINTIFF

C.A.NO. 05-108 (KAJ)

V.

VAN SCOY DIAMOND MINE OF  
DELAWARE, INC., :  
KURT VAN SCOY AND  
DONNA VAN SCOY

DEFENDANTS

**DEFENDANTS' RESPONSES TO PLAINTIFF'S  
FIRST SET OF REQUESTS FOR ADMISSIONS UNDER FRCP 36**

Pursuant to Federal Rule of Civil Procedure 36, Defendants, through their counsel, hereby respond to Plaintiff's First Set of Requests For Admissions Under Fed. R. Civ.P.36.

**GENERAL OBJECTIONS**

1. Plaintiff's First Set Of Requests For Admissions Under Fed. R. Civ.P.36 is defective and, hence, invalid, in so far as it fails to comply with Fed. R. Civ. P. 36.
2. Defendants object to all of Plaintiff's Definitions and Instructions in Plaintiff's First Set of Requests For Admissions Under Fed. R. Civ.P.36 to the extent that they do not conform to Fed. R. Civ.P.36.
3. Defendants object to each and every request in its entirety to the extent it seeks admission that is not relevant to a claim or defense of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendants object to each and every request to the extent it calls for information that could have been obtained more efficiently by other means of discovery.

5. Defendants object to each and every request to the extent it seeks admissions respecting information containing privileged communications, attorney work-product, client work-product, or trial preparation material, on the grounds that such discovery is not permissible under the Federal Rules of Civil Procedure. None of Defendants' specific responses shall be construed to mean that Defendants intend to provide privileged or work-product information in the absence of an intentional waiver. Any inadvertent disclosure of privileged information or work-product shall not constitute a waiver of an otherwise valid claim of privilege, and any failure to assert a privilege or other protection as to certain information shall not be deemed to constitute a waiver of the privilege or other protection as to any other information so protected.

6. Defendants object to each and every request to the extent that it is vague, ambiguous, overbroad, vexatious, unduly burdensome or seeks information not relevant to a claim or defense involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

7. Defendants object to each and every request to the extent that it seeks an admission already elicited by plaintiff during the depositions of defendants Kurt Van Scoy, Donna Van Scoy and/or Van Scoy Diamond Mine of Delaware, Inc.

8. Defendants object to each and every request to the extent that it seeks information protected by any confidentiality obligation owed to a third party, and to the extent such information is sought it is provided under the terms of the Stipulated Protective Order.

9. Defendants object to Plaintiff's Definitions and Instructions as improperly attempting to impose burdens and obligations upon Defendants beyond the requirements of the Federal Rules of Civil Procedure.

10. Defendants present each of the general objections set forth above to each of the requests. By setting forth specific objections, Defendants do not intend to limit or restrict the general objections contained in this response. To the extent Defendants provide information in response to a specific request to which objection has been raised, Defendants reserve the right to maintain such objection(s) with respect to any additional information and such objections are not waived by the furnishing of information.

11. Defendants expressly reserve the right to supplement and/or amend these responses should additional information become available.

#### REQUESTS FOR ADMISSIONS

1. Tommy Van Scoy never expressly gave Kurt Van Scoy permission to use the mark VAN SCOY DIAMOND MINE.

RESPONSE: Denied

2. Van Scoy Diamond Mine, Inc. never impliedly nor expressly gave Kurt Van Scoy permission to use the mark VAN SCOY DIAMOND MINE.

RESPONSE: Denied

26. Defendant Van Scoy Diamond Mine of Delaware, Inc. operates its jewelry store business in a geographic area which, except for its internet business, is geographically distinct from any other jewelry store using the mark VAN SCOY DIAMOND MINE, VAN SCOY DIAMONDS, VAN SCOY JEWELERS or VAN SCOY.

RESPONSE: Admitted that Defendants know of no other jewelry store in Defendants' trading area using the any of the marks "VAN SCOY DIAMOND MINE", "VAN SCOY DIAMONDS", "VAN SCOY JEWELERS" or "VAN SCOY".

27. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates its jewelry store business in a geographic area which is, except for its internet business, geographically distinct from the jewelry store business in Wilkes-Barre, PA under the mark VAN SCOY DIAMOND MINE.

RESPONSE: Admitted.

28. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates it jewelry store business in a geographic area which is, except for its internet business, geographically distinct from the jewelry store business in Scranton, PA under the mark VAN SCOY DIAMOND MINE or VAN SCOY DIAMONDS.

RESPONSE: Admitted.

29. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates it jewelry store business in a geographic area which is, except for its internet business, geographically distinct from a jewelry store business operated in Lancaster, PA.

RESPONSE: Admitted.

30. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates it jewelry store business in a geographic area which is, except for its internet business, geographically distinct from a jewelry store business operated in Reading, PA.

RESPONSE: Admitted.

31. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates it jewelry store business in a geographic area which is, except for its internet business, geographically distinct from a jewelry store business operated in Erie, PA.

RESPONSE: Admitted.

32. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates it jewelry store business in a geographic area which is, except for its internet business, geographically distinct from a jewelry store business operated in Allentown, PA.

RESPONSE: Admitted.

33. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates it jewelry store business in a geographic area which is, except for its internet business, geographically distinct from a jewelry store business operated in North Carolina.

RESPONSE: Admitted.

34. Defendant, Van Scoy Diamond Mine of Delaware, Inc., operates its jewelry store business in a limited geographic area known as the Wilmington, Delaware area.

RESPONSE: Defendants object to this request to this request as being vague in filing to define the modifier "limited" with respect to "geographic area". Without prejudice to the forgoing objection denied; admitted that Defendant Van Scoy Diamond Mine of Delaware, Inc. operates its jewelry store business in Newark, Delaware.



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the date written below adjacent to my signature I served the following document

**DEFENDANTS' RESPONSES TO PLAINTIFF'S FIRST  
SET OF REQUESTS FOR ADMISSIONS**

on Michael C. Petock, Esquire, as an attachment to e-mails addressed to:

MP@IPLaw-Petock.com and

mfpetock@comcast.net

and on John G. Day, Esquire, as an attachment to an e-mail addressed to:

jday@ashby-geddes.com

and by United States Postal Service first class mail, postage prepaid, to the following addresses:

Michael C. Petock, Esquire  
Michael F. Petock, Esquire  
Petock & Petock LLC  
46 The Commons at Valley Forge  
1220 Valley Forge Road  
P.O. Box 856  
Valley Forge, PA 19482-0856

and

John G. Day, Esquire  
Ashby & Geddes  
222 Delaware Avenue, 17th Floor  
P.O. B1150  
Wilmington, DE 19899

FOX ROTHSCHILD LLP



Charles N. Quinn

7 October 2005  
(date)

# **EXHIBIT M**



154 Mundy Street  
WILKES-BARRE, PENNSYLVANIA 18702  
(717) 826-0765

Cash Refunds Within 5 Days of Purchase  
No Refunds on Special Orders

(610) 1-800-451-2572

60110

CUSTOMER'S ORDER NO.		PHONE		DATE	
		(610) 919-661-8689		1/31/01	
NAME Jennifer Kern					
ADDRESS 6840 Elk Park Dr. Apex, NC 27502					
CASH	C.O.D.	CHARGE	ON ACCT	MOSE. RETD.	PAID OUT
		VNC Phone order			
QTY.	DESCRIPTION			PRICE	AMOUNT
1	white gold gents wedding band M1862-69 Size 11				\$325 00
				tax	\$19 50
				total	\$344 50
				paid	\$344 50
				bal	\$0
CONFIDENTIAL					
Special order wedding band					
RECEIVED BY					TOTAL

paid full  
+ will be mailed  
when order is received

All claims and returned goods  
MUST be accompanied by this bill.

Thank You

